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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,365	04/29/2002	Ingo Kreuz	225/50675	1988

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EXAMINER

BEHNCKE, CHRISTINE M

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/009,365

Applicant(s)

KREUZ ET AL.

Examiner

Christine M. Behncke

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2002.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-24 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☒ Claim(s) 12, 19 and 23 is/are allowed.
 6) ☐ Claim(s) 7-11, 16-18, 20-22 and 24 is/are rejected.
 7) ☒ Claim(s) 13-15 is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 29 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 12/10/2001.
 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) ☐ Notice of Informal Patent Application (PTO-152)
 6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response the application filed 10 December 2001, in which claims 7-24 were presented for examination.

Specification

2. The disclosure is objected to because of the following informalities: paragraph [0030], lines 8 and 18, "actual configuration c_a " does not consistent with Figure 1 which shows the actual configuration labeled as c_e .

Appropriate correction is required.

Information Disclosure Statement

3. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

4. The information disclosure statement filed 10 December 2001 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent or reference listed

that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 7-11 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kühner et al., US Patent No. 5,521,588, in view of Bertness, US Patent No. 6,331,762.

6. **(Claims 7, 8, and 9)** Kühner et al. discloses a vehicle electrical system configuration system for automated configuration of vehicle electrical systems, which comprise hardware components at least partially connected to a data bus network

(figure 1 and Column 2, lines 59-64) and software components implemented in at least a portion of the hardware components for executing corresponding functionalities (Column 3, lines 6-10), comprising: a central actual configuration data memory arranged in a vehicle for accessible storage of an actual configuration data set characterizing an actual configuration of the vehicle electrical system (central control device 10, Column 2, lines 17-25); wherein the actual configuration data memory is in direct or indirect communication with all hardware components (figure 1 and Column 2, line 59-Column 3, line 5). Kühner et al. does not disclose configuring the data in an XML format. However, Bertness teaches a battery monitoring apparatus including a central microprocessor that stores configuration data in an XML file format and data on their structure are filed in a corresponding document type definition file (DTD) (Column 11, lines 53-59). DTD is the oldest schema format for XML and a particular DTD is embedded in an XML file.

Kühner et al. does not disclose the further use of browser tools to display the actual configuration data. However, Bertness teaches the use of a browser type interface, which as Bertness teaches may be commonly available in vehicles, to control and communicate the central microprocessor. Further, since the actual data can be displayed in a variety of forms because of the use of a flexible format and browser interface, a person skilled in the art of automotive data processing would select the display means corresponding to the data format, the structure well known/most used by the operator, and would display the data in a suitable structure, for example a tree structure of simple DOS output commands which have been standard for 15 years for

PC screens with files, or special displays for topology structures/function displays. Such applications are known and cited in "Customer-Specific Configuration of Telecommunications Systems – The KIKon Project" cited by the applicant.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the system of Kühner et al. with the teachings of Bertness because as Bertness explains, using an XML or HTML format and the use of a "web page" interface provided by a browser to display the data in a variety of display formats is advantageous because it can provide a user input/output in a standardized form such that it can be viewed or controlled through many types of standardized devices (Column 11, lines 53-64).

7. **(Claims 10 and 11)** Kühner et al. further discloses wherein the actual configuration data memory comprises a flash memory component of a control device component (vehicle configuration memory 11, Column 3, lines 6-10), which functions as a gateway between the vehicle electrical system and a connectable system external to the vehicle (figure 2).

8. **(Claims 16, 17 and 18)** Kühner et al. further discloses reconfiguration tools for computer-assisted automatic reconfiguration of a respective vehicle electrical system during replacement of a least one component with at least one new component with a like function but of a different type, or during an addition of at least one additional component for a new functionality, or during modification of at least one component relationship (Column 4, lines 59-67).

Claim Rejections - 35 USC § 103

9. **Claims 20, 21, 22 and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kühner et al. in view of Bertness as applied to claims 7, 8 and 9 above, and further in view of Abelow, US Patent No. 5,999,908.

Kühner et al. in view of Bertness describe the vehicle configuration system previously discussed, but do not disclose a knowledge-aging tool to assess the currentness of the stored configuration data. However, Abelow teaches a system for consumer-based product design and maintenance which comprises a knowledge-aging tool which assigns a degree of currentness to stored configuration data in dependence on their age and frequency of configuration use (Column 23, lines 13-30), wherein said knowledge-aging tools remove the configuration data from a valid configuration data set when their degree of currentness has dropped below a definable threshold or wherein, for existing reconfiguration tools, the degree of currentness is said existing reconfiguration tools first use, and for the case of multiple possible components, configuration strategies, or component relationships, those with the highest degree of currentness (Column 39, lines 45-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the system disclosed by Kühner et al. in view of Bertness with the teachings of Abelow because as Abelow teaches such a consumer-based knowledge tool is beneficial in vehicles to monitor sensors and components to gain the clearest possible understanding of the driver's needs and problems to gain the new competitive abilities of supporting the driver and the knowledge-aging tool allows for the service

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provider or consumer to quickly assess the outdatedness of a feature version and directly assess which features are more appealing to the consumer (Column 6, lines 29-36 and Column 13, lines 5-35).

Allowable Subject Matter

10. **Claims 13-15** are objected to as being dependent upon a rejected base claim and are at present considered to overcome the prior art of record if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. **Claims 12, 19 and 23** are at present considered allowable.

Conclusion


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine M. Behncke whose telephone number is (571) 272-8103. The examiner can normally be reached on Monday - Friday 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

07-22-05


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